

AMENDED IN SENATE JULY 9, 2003
AMENDED IN SENATE JUNE 25, 2003
AMENDED IN SENATE JUNE 9, 2003
AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 310

**Introduced by Assembly Member Kehoe
(Coauthor: Assembly Member Goldberg)**

February 7, 2003

An act to add Sections 45061.5, 45168.5, 87834.5, and 88167.5 to the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 310, as amended, Kehoe. Employee bargaining units: salary deductions.

Existing law requires the governing board of a school district and the governing board of a community college district that deduct employee organization membership dues or service fees from the salary payment of an employee of the district to transmit the amount of the deduction to the organization. Existing law requires that classified employee dues be transmitted on the same designated date of each month and that certificated employee dues be transmitted no later than the 15th day of each pay period.

This bill would require the governing board of a school district and the governing board of a community college district that collect or deduct dues, agency fees, fair share fees, or any other fee or amount of

money from an employee's salary for the purpose of transmitting the money to an employee organization, to transmit the money to the employee organization within 15 days of issuing the paycheck containing the deduction. The bill would prohibit a school district and a county office of education from requesting, and the State Board of Education from granting, a waiver of compliance with this provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION. 1. Section 45061.5 is added to the Education
2 Code, to read:

3 45061.5. (a) Notwithstanding any other law, the governing
4 board of a school district that collects or deducts dues, agency fees,
5 fair share fees, or any other fee or amount of money from the salary
6 of a certificated employee for the purpose of transmitting the
7 money to an employee organization shall transmit the money to the
8 employee organization within 15 days of issuing the paycheck
9 containing the deduction to the employee.

10 (b) (1) This section does not limit the right of an employee
11 organization or affected employee to sue for a failure of the
12 employer to transmit dues or fees pursuant to this section.

13 (2) In an action brought for a violation of subdivision (a), the
14 court may award reasonable attorney fees and costs to the
15 prevailing party if any party to the action requests attorney fees and
16 costs.

17 (c) A school district or county office of education may not
18 request, and the State Board of Education may not grant, a waiver
19 of compliance with this section.

20 SEC. 2. Section 45168.5 is added to the Education Code, to
21 read:

22 45168.5. (a) (1) Notwithstanding any other law, the
23 governing board of a school district that collects or deducts dues,
24 agency fees, fair share fees, or any other fee or amount of money
25 from the salary of a classified employee for the purpose of
26 transmitting the money to an employee organization shall transmit
27 the money to the employee organization within 15 days of issuing
28 the paycheck containing the deduction to the employee.

(2) *Notwithstanding paragraph (1), if the governing board of a school district with a pupil population exceeding 4,000,000, collects or deducts dues, agency fees, fair share fees, or any other fee or amount of money from the salary of a classified employee for the purpose of transmitting the money to an employee organization, the governing board shall transmit the money to the employee organization within 15 working days of issuing the paycheck containing the deduction to the employee.*

(b) (1) This section does not limit the right of an employee organization or affected employee to sue for a failure of the employer to transmit dues or fees pursuant to this section.

(2) In an action brought for a violation of subdivision (a), the court may award reasonable attorney fees and costs to the prevailing party if any party to the action requests attorney fees and costs.

(c) This section applies to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240).

(d) A school district or county office of education may not request, and the State Board of Education may not grant, a waiver of compliance with this section,

SEC. 3. Section 87834.5 is added to the Education Code, to read:

87834.5. (a) Notwithstanding any other law, the governing board of a community college district that collects or deducts dues, agency fees, fair share fees, or any other fee or amount of money from the salary of an academic employee for the purpose of transmitting the money to an employee organization shall transmit the money to the employee organization within 15 days of issuing the paycheck containing the deduction to the employee.

(b) (1) This section does not limit the right of an employee organization or affected employee to sue for a failure of the employer to transmit dues or fees pursuant to this section.

(2) In an action brought for a violation of subdivision (a), the court may award reasonable attorney fees and costs to the prevailing party if any party to the action requests attorney fees and costs.

SEC. 4. Section 88167.5 is added to the Education Code, to read:

1 88167.5. (a) Notwithstanding any other law, the governing
2 board of a community college district that collects or deducts dues,
3 agency fees, fair share fees, or any other fee or amount of money
4 from the salary of a classified employee for the purpose of
5 transmitting the money to an employee organization shall transmit
6 the money to the employee organization within 15 days of issuing
7 the paycheck containing the deduction to the employee.

8 (b) (1) This section does not limit the right of an employee
9 organization or affected employee to sue for a failure of the
10 employer to transmit dues or fees pursuant to this section.

11 (2) In an action brought for a violation of subdivision (a), the
12 court may award reasonable attorney fees and costs to the
13 prevailing party if any party to the action requests attorney fees and
14 costs.

15 (c) This section applies to districts that have adopted the merit
16 system in the same manner and effect as if it were a part of Article
17 6 (commencing with Section 88060).

